

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ADAM APPEL, *et al.*,

Plaintiffs,

vs.

THE CITY OF ST. LOUIS, *et al.*,

Defendants.

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Case No. 4:05-cv-772 SNL

ORDER

This is before the Court on Defendants’ Motions to Quash and Requests for Reconsideration (Nos. 88 and 90). In these Motions, Defendants seek to stop Plaintiffs from deposing St. Louis Police Chief Joseph Mokwa and Mayor Francis Slay, and request that the court reconsider its previous order on the parties’ qualified immunity.

I. Motions to Quash

The Court will grant Defendants’ Motion to Quash as to Mayor Slay, but will deny said motion as to Chief Mokwa. Plaintiffs have made a sufficient showing, such that a deposition of Chief Mokwa is warranted. Furthermore, Defendants listed Chief Mokwa in their Mandatory Disclosures as a “witness likely to have discoverable information the Defendants may use to support their claims and defenses.” Thus, there is sufficient reason to believe that this deposition will produce or lead to admissible evidence. However, Plaintiffs have not shown any special need to depose Mayor Slay. In accordance with *Sweeney v. Bond*, 669 F.2d 542, 546 (8th Cir. 1982), Plaintiffs’ notice of deposition as to Mayor Slay is quashed until Plaintiffs can show that Mayor Slay possesses information essential to the case, and that this information cannot be obtained through less intrusive means.

II. Motions for Reconsideration

Upon further review of the Court's Order (No. 46), dated December 14, 2005, it appears that the order requires clarification. The qualified immunity arguments in Defendants' Motions to Dismiss are to be treated as Motions for Summary Judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. All interested parties are to file additional briefs and materials pertinent to such motions, in accordance with Rule 56 of the Federal Rules of Civil Procedure and Local Rule 4.01, for consideration by the Court.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Quash (No. 88) be and is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion to Quash (No. 90) be and is **GRANTED**. Plaintiffs' Notice of Deposition as to Mayor Slay is **QUASHED**.

IT IS FURTHER ORDERED that Defendants' Motions for Reconsideration are **GRANTED**, as set forth above. All interested parties shall file additional briefs and materials in support of said summary judgment motions on or before April 10, 2007. Responses and replies pertinent to said motions shall be filed in accordance with Rule 56 and Local Rule 4.01

Dated this 6th day of March, 2007.



SENIOR UNITED STATES DISTRICT JUDGE